

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JERMAINE E. ROBINSON,

3:14-CV-00903-ST

Plaintiff,

ORDER

v.

WILLIAM BLOOD, in his
individual capacity;
BRIAN WILBER, in his
individual capacity;
and CITY OF HILLSBORO,

Defendants.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#38) on October 7, 2015, in which she recommends the Court grant in part and deny in part Defendants' Motion (#17) for Summary Judgment. Defendants filed timely Objections to the Findings and Recommendation. The matter is now before this Court

pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

This Court has carefully considered Defendants' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#38) and, therefore, **GRANTS in part** and **DENIES in part** Defendants' Motion for Summary Judgment as follows. The Court:

1. **GRANTS** Defendants' Motion for Summary Judgment as to that portion of Plaintiff's First Claim for violation of the Fourth Amendment alleging Defendants arrested Plaintiff without probable cause;
2. **GRANTS** Defendants' Motion for Summary Judgment as to

Plaintiff's Second, Third, and Fourth Claims;

3. **GRANTS** Defendants' Motion for Summary Judgment as to Plaintiff's Fifth and Sixth Claims against Officer Blood and Officer Wilber;
4. **DENIES** Defendants' Motion for Summary Judgment as to that portion of Plaintiff's First Claim for violation of the Fourth Amendment alleging Defendants used excessive force; and
5. **DENIES** Defendants' Motion for Summary Judgment as to Plaintiff's Fifth and Sixth Claims against the City of Hillsboro.

IT IS SO ORDERED.

DATED this 19th day of January, 2016.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge